

"Express Mail" Label Number EL 469907073 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on March 11, 2002 and is addressed to the Commissioner for Patents, Box PCT, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Kathleen J. Moore
(Signature of person mailing correspondence)

Kathleen J. Moore

(Typed name of person mailing correspondence)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
DIRK JOEDICKE, HANS-JOACHIM
BECKER, VOLKER GRUMPICH and
RICHARD BATCHELOR

Group Art Unit:

RECEIVED

29 APR 2002

Serial No. 09/914,082 filed

Examiner:

**Legal Staff
International Division**

Filing Under 35 U.S.C. 371 in the DO/EO/US
off PCT/DE00/00553 filed 24 February 2000

For: ELECTROCHROMIC ELEMENT

Attorney Docket: 1-15478

March 11, 2002

Commissioner for Patents
Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231

REQUEST TO ADD JOINT INVENTOR TO APPLICATION UNDER 37 CFR § 1.48

Honorable Sir:

It is respectfully requested that the above-identified patent application be amended to add RICHARD BATCHELOR as co-inventor. The application for patent was made through error and without any deceptive intention, in the names of three of the co-inventors, Dirk Joedicke, Hans-Joachim Becker and Volker Gumprich, as is apparent from the appendices attached hereto.

In support of this Request, Applicants submit the following documents:

03/14/2002 HALI11 00000042 09914082

04 FC:122

130.00 OP

1. Statement of Facts by Named Inventors and Inventor Being Added Under 37 CFR § 1.48 (Appendix A);
2. a copy of the Combined Declaration and Power of Attorney document fully executed by all four inventors (Appendix B), the original of which is being filed concurrently herewith in Response to the Notification of Missing Requirements;
3. a copy of the Assignment document (Appendix C) from all four inventors to Flabeg GmbH, the original of which is being submitted concurrently herewith for recordation;
4. Consent Of Assignee To Add Joint Inventor To Patent Application (Appendix D);
and
5. a Second Preliminary Amendment amending the designation of joint inventors, adding a fourth inventor, Richard Batchelor (Appendix E).

A check in the amount of \$130.00 is enclosed to cover the processing fee under 37 CFR § 1.17(i). Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

CONTRIBUTION OF RICHARD BATCHELOR

It has become apparent, during recent discussions, that RICHARD BATCHELOR assisted in the development of the glass compositions disclosed and claimed in the above-identified patent application which had previously been filed with the names of the following inventors: DIRK JOEDICKE, HANS-JOACHIM BECKER and VOLKER GUMPRICH.

Subsequent investigation has verified that, while DIRK JOEDICKE, HANS-JOACHIM BECKER, and VOLKER GRUMPICH conceived and reduced to practice portions of the invention, RICHARD BATCHELOR conceived and reduced to practice a portion of the claimed

subject matter, as well. The separate contributions, when united, created the whole of the claimed invention, and accordingly make RICHARD BATCHELOR co-inventor with DIRK JOEDICKE, HANS-JOACHIM BECKER, and VOLKER GRUMPICH.

RICHARD BATCHELOR WAS NOT ORIGINALLY NAMED AS CO-INVENTOR
THROUGH ERROR WITHOUT DECEPTIVE INTENT

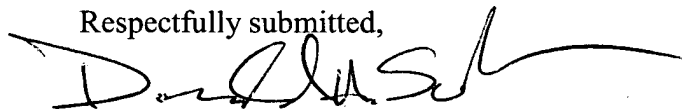
Until recent discussions, it was not clear that MR. BATCHELOR had conceived and reduced to practice a portion of the claimed subject matter. These discussions, and subsequent investigation into the facts surrounding the early development of the claimed subject matter has resulted in the realization that MR. BATCHELOR was a contributor to the invention, and therefore, a co-inventor.

As all the facts have now become apparent, this Petition is being diligently and timely made. Furthermore, 37 CFR § 1.324 is remedial in nature, and should be liberally construed in order that the error noted herein may be rectified.

CONCLUSION

For the foregoing reasons, it is respectfully requested that RICHARD BATCHELOR be added as a named co-inventor in the above-identified application.

Respectfully submitted,



Donald A. Schurr

Registration No. 34,247

ATTORNEYS

MARSHALL & MELHORN, LLC

Four SeaGate - 8th Floor

Toledo, Ohio 43604

Phone: (419) 249-7145

Fax: (419) 249-7151